

**MINUTES OF THE REGULAR MEETING OF
THE CHARLOTTE COUNTY
CONSTRUCTION INDUSTRY LICENSING BOARD
18500 Murdock Circle, Room 119
Port Charlotte, Florida 33948**

February 2, 2012, 6 p.m.

- I. CALL TO ORDER by Chairman, Carleton Strong at 6:00 PM.**
- II. PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**

Members Present:

**William Ambrose
John Damon
Mike Douglas
Richard Eger
Randy Fassett
John Herston
Erik Howard
Stan Munson
Carleton Strong
Robert Koch, Board Attorney**

Members Excused: None

Staff Present:

**Erin Mullen-Travis, Licensing and Code Enforcement Manager
Lorraine Lundblad, Contractor Licensing Investigator
Wendy Pacheco, Contractor Licensing Investigator
Aaron Schulze, Contractor Licensing Investigator
Jim Evetts, Building Official
Kira Honse, Assistant County Attorney
David White, Clerk**

- IV. AGENDA CHANGES**
- V. NEXT MEETING DATE: March 1, 2012, at 6:00 p.m.**
- VI. SWEARING IN OF ALL THOSE GIVING TESTIMONY**
- VII. QUASI-JUDICIAL HEARING**
- VIII. APPROVAL OF MINUTES: January 5, 2012**

Randy Fassett motioned to approve the minutes. ***Stan Munson*** seconded and the minutes were approved unanimously.

IX. CONSENT – AFFIDAVITS OF NONCOMPLIANCE FINES: None

All matters listed under this item are considered to be routine and action will be accomplished by one motion without separate discussion of each item. If discussion is desired by a member of the Board, that item(s) will be removed from the Consent Agenda and considered separately. **Each case has been assessed with an additional \$18.50 for the cost of recording the lien.**

CONTESTING CITATION:

A. Darryl S. Smith – Citation No. 2674 - \$500.00

Lorraine Lundblad, Contractor Licensing Investigator, provided testimony as stated in the investigative report. Mr. Smith, respondent, Ms. Sharron Gundzik and Mr. Jesse Smith, witnesses, were present and gave testimony to board.

B. Darryl S. Smith – Citation No. 3194 - \$500.00

Lorraine Lundblad, Contractor Licensing Investigator, provided testimony as stated in the investigative report. After a lengthy discussion the following motion was made:

MOTION: *Randy Fassett* made the motion to dismiss citations numbers 2674 and 3194 issued to Darryl L. Smith. *Richard Eager* seconded and it was approved with a vote of five to four with dissenting votes from John Herston, Erik Howard, Mike Douglas, and William Ambrose.

X. OLD BUSINESS: None

XI. LICENSE REVIEW: None

XII. DISCIPLINE CASES:

**A. Robert M. Long Jr.
d/b/a Aluminum Construction Service Inc.
State Certified Building Contractor
License No. CBC060490
Case No. CIL-11-00401A**

Lorraine Lundblad

CHARGE 1: Florida Statute 489.129 (1)(j) – Disciplinary Proceedings -Abandoning a construction project in which the contractor is engaged or under contract as a contractor. A project may be presumed abandoned after 90 days if the contractor terminates the project without just cause or without proper notification to the owner, including the reason for termination, or fails to perform work without just cause for 90 consecutive days. **(10 Counts)**

CHARGE 2: Florida Statutes Chapter 489.129 (1)(m) – Committing incompetency or misconduct in the practice of contracting. **(10 Counts)**

Misconduct as defined in part by the American Heritage Dictionary is: 1. Behavior not conforming to the prevailing standards or laws, Impropriety.

CHARGE 3: Violation of Charlotte County Code 3-2-47 (b)(4) – Willful or deliberate disregard and violation of any lawful order of the board, any provisions of Charlotte County

Code, Chapter 3-2, Chapter 3-9, any provisions of any code adopted pursuant to this chapter or any state law regulating the construction industry, including Chapter 489 and Part I of Chapter 455. **(10 Counts)**

CHARGE 4: Charlotte County Code 3-2-47 (b)(20) – Failing to obtain inspections including but not limited to final inspections. (10 Counts)

Lorraine Lundblad, Contractor Licensing Inspector, provided testimony as stated in the investigative report. Mr. Long was present to give testimony to the board.

MOTION: Erik Howard made the motion that Robert M. Long Jr. has been found in violation of the charges listed above and that Robert M. Long Jr. is to renew the permits listed in notice within 60 days per the Florida Building Code. Mr. Long must obtain final inspections of all outstanding permits within 6 months in accordance with Florida Building Code. If Mr. Long does obtain the required final inspections within the allocated time frame, after the permits were renewed, it is recommended that Mr. Long's permitting privileges be restored without the necessity of re-appearing before this board. If Mr. Long fails to comply with the board's order within the allocated period of time and allows any of the renewed permits to expire again, Mr. Robert M. Long Jr. permitting privileges and the right to work as a contractor in Charlotte County will be revoked without requiring Robert M. Long Jr. to reappear before this board. **Stan Munson** seconded and it was approved unanimously.

B. **David T. Manolakos**
d/b/a Designer Pools & Spas of Charlotte County, Inc.
State Certified Pool/Spa Contractor
License No. CPC052519
Case No. CIL-11-00530A

Aaron Schulze

CHARGE 1: Florida Statute 489.129 (1)(j) – Disciplinary Proceedings -Abandoning a construction project in which the contractor is engaged or under contract as a contractor. A project may be presumed abandoned after 90 days if the contractor terminates the project without just cause or without proper notification to the owner, including the reason for termination, or fails to perform work without just cause for 90 consecutive days. (1 Count)

CHARGE 2: Florida Statutes Chapter 489.129 (1)(m) – Committing incompetency or misconduct in the practice of contracting. (6 Counts)

Misconduct as defined in part by the American Heritage Dictionary is: 1. Behavior not conforming to the prevailing standards or laws, Impropriety.

CHARGE 3: Violation of Charlotte County Code 3-2-47 (b)(4) – Willful or deliberate disregard and violation of any lawful order of the board, any provisions of Charlotte County Code, Chapter 3-2, Chapter 3-9, any provisions of any code adopted pursuant to this chapter or any state law regulating the construction industry, including Chapter 489 and Part I of Chapter 455. (7 Counts)

CHARGE 4: Charlotte County Code 3-2-47 (b)(20) – Failing to obtain inspections including but not limited to final inspections. (6 Counts)

Aaron Schulze, Contractor Licensing Inspector, provided testimony as stated in the investigative report. Mr. Manolakos was not present to give testimony to the board.

MOTION: William Ambrose made the motion that Mr. Manolakos' permitting privileges and the authority to engage in business or act in the capacity of a contractor in Charlotte County is

REVOKED without requiring Mr. Manolakos to reappear before this board. It is further ordered this case and a copy of this Board's order be prepared and sent to the Florida Construction Industry Licensing Board with a recommendation that Mr. Manolakos' State Certified Pool/Spa Contractor's license also be suspended or revoked. **John Herston** seconded and it was approved unanimously.

XIII. CITIZEN INPUT - None

XIV. REPORT FROM THE LICENSING DIVISION MANAGER

Erin Mullen-Travis reported that all the code changes are done and have been turned over to legal. The board requested a status on pool stickers. Erin Mullen-Travis responded that the sticker order was lost in a company move and has now been reordered.

XV. REPORT FROM THE BUILDING OFFICIAL

Jim Evetts discussed the matter of requiring an electrical sub on any boatlift installation prior to issuing a permit. Chairman Strong directed that the staff place the boatlift / electrical sub issue on the March 1, 2012 agenda.

XVI. REPORT FROM THE ASSISTANT COUNTY ATTORNEY

Kira Honse stated according to Section 3-42-2 (a) Term of Office (1) all appointments to the board shall be made for a term of four years; no board member shall serve more than two consecutive terms or more than a total of eleven years.

BOARD ATTORNEY COMMENTS

Robert Koch spoke about the enforcement of the subpoena. There are various avenues in which the board has to serve a subpoena, by application to the Circuit Court who would then decide if they would enforce it.

XVII. REPORT FROM CONSTRUCTION INDUSTRY LICENSING BOARD MEMBERS

Eric Howard stated that he would like to make a motion to include prayer at the beginning of each meeting. The chairman then polled the board to see if there was any interest in researching procedures to include prayer. Two members were in favor, seven were opposed, and the procedure will not be researched.

XVIII. ADJOURNMENT

Any person who decides to appeal a decision of this Board will need a record of the proceedings pertaining thereto, and therefore may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Erik Howard made the motion to adjourn. **Stan Munson** seconded the motion and it was approved unanimously. The meeting was adjourned at 8:42 p.m.

Charlotte County
Construction Industry Licensing Board
Minutes of February 2, 2012

Read and approved by:

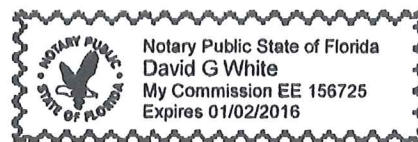

William Ambrose, Vice-Chairman

Date: March 1, 2012

STATE OF FLORIDA
COUNTY OF CHARLOTTE


The foregoing instrument was acknowledged before me this 1st day of March, 2012 who is personally known to me and who did not take an oath.


Signature of Notary



My Commission expires:

I hereby attest and affirm that the minutes of the February 2, 2012 Construction Industry Licensing Board meeting are true and accurate to the best of my ability. Complete files of all cases as well as taped recordings of all proceedings of this hearing are kept in the Building Construction Services and Contractor Licensing Division and are available to the public. Copies of the tapes are available upon request for a minimal fee.


David White, Administrative Assistant II
Construction Industry Licensing Board
Community Development Department
Contractor Licensing Division